

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 29 2020 ★

CRAIG WARREN

Petitioner/Defendant

BROOKLYN OFFICE
CASE NO. CR 94-802 (S-4) (ST)

VS.

UNITED STATES OF AMERICA

Respondent



JUDICIARY NOTICE

COMES NOW, Craig Warren, Petitioner/Defendant, Pro, se, with this Judiciary Notice in Support of the following:

1.) Petitioner/Defendant Warren, files the instant motion for consideration of a reduction in sentence (CRIS) pursuant to 18 U.S.C. § 3582 (c)(1)(A)(i) and § 4205 (g) extraordinary and compelling Circumstances.

2.) Petitioner respectfully assert that this Court's misapplication of the United States Sentencing Guidelines (U.S.S.G.) and pertinent factors of 18 U.S.C. § 3553 (a), Constitutes extraordinary and compelling Circumstances.

(A) Inmate Craig Warren 50239-053 has requested consideration for a reduction in sentence in the Federal Bureau of Prison (F.B.O.P.) Program Statement 5050.50 Document enclosed.

(B) Warren's extraordinary and Compelling Circumstances:

With respect to this Honorable U.S. District Court, petitioner/defendant humbly request that this court consider the following factors:

- 1.) Age: Petitioner is 53
- 2.) Length of time in prison compared to the sentence imposed: Petitioner have done over 25 years, which is considered a life sentence in the State of New York.
- 3.) Petitioner Conduct in prison: Document enclosed.
- 4.) Health: Petitioner is Concerned of Catching Covid 19 and fear for his health and life.
- 5.) Danger to the community: Petitioner has not in 26 years participated, endorsed or encourage any type of criminal activity in prison or any community.
- 6.) Release plans to house arrest: Petitioner have a job waiting for him in the hospital working as a Custodial maintenance worker.
- 7.) Prior record: NONE
- 8.) Protection of the public: Petitioner assert that

26 years of incarceration is a deterrence to him, not be a threat to the public or any person.

Petitioner respectfully request that this Honorable Court also consider Congress intent in their enacted legislation of sentencing reform under the First Step Act of 2018, P.L. 115-391 § 503 (Dec. 21, 2018), and the First Step Act of 2018, S. 3747, 115th Cong.; Petitioner rely on this Honorable Court to consider all the factors set forth in 18 U.S.C. § 3553(a) especially § 3553(a)(2)(A), and § 3553(a)(b) as extraordinary and compelling reasons for a reduction in petitioner's sentence.

Furthermore, petitioner Warren respectfully assert that this Court could cause an injustice by not considering that Congress now deem certain sentencing greater than necessary, (§ 924(c) 18 U.S.C. § 1959, § 1962). The misapplication of the United States Sentencing Guidelines; Specifically 18 U.S.C. § 3553(a) (3) and (4)(A)(i); U.S.S.G. Chapter five Part A Sentencing table offense level application note 2 Chapter Three § 3D1.1 - 4 § 5G1.2(c) and 2A1.1 Application Note 1, constitute Extraordinary and Compelling Circumstances, because petitioner/defendant is being deprived of his United States Constitutional Fifth Amendment Due Process clause, which holds the Constitutional provision that prohibits the

government from unfairly or arbitrarily depriving a person of life and liberty.

With respect petitioner assert had this U.S. District Court at sentencing applied the mandatory U.S.S.G. Correctly and Constitutionally pursuant to 28 U.S.C. § 994 (a) on November 22, 1995, petitioner Warren would have received a sentence consistent with Congress 2018 Sentencing Reform.

Petitioner Warren also respectfully contends that this U.S. District Court consideration in the instant motions would correct a Plain Error (The U.S. District Court's failure in applying the mandatory U.S.S.G. Correctly in the imposition of petitioner's sentence).

CONCLUSION

Petitioner respectfully contends that the manifested Constitutional error's in the imposition of his sentence Warrant's a grant of reduction in his unconstitutional sentence, under 18 U.S.C. § 3582(c)(1)(A)(i);

Petitioner respectfully assert that the U.S. District Court consideration should be consistent with Congress enacted Sentencing Reform of 2018 First Step Act, Fair Sentencing Act and 18 U.S.C. § 3553(a) factors to be considered in imposing a sentence - The Court shall impose a sentence sufficient, but not greater than necessary 3553(a)(4) - The kind of sentence and the sentencing range established for. -

Petitioner maintain that the above factors should be reviewed by this Honorable Court as Extraordinary and Compelling Circumstances for a reduction in his sentence.

Dated: October 19, 2020

Respectfully Submitted
Craig Warren

Craig Warren # 80239-053

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

CRAIG WARREN

Petitioner/Defendant

Criminal Case No.

Cr. 94-802(s4)(st)

vs.

UNITED STATES OF AMERICA

Respondent /

MOTION SEEKING REDUCTION IN SENTENCE
PURSUANT TO 18 U.S.C. § 3582(C)(1)(A)(i)
EXTRAORDINARY AND COMPELLING CIRCUMSTANCES

COMES NOW, Craig Warren, Petitioner/Defendant Pro se,
and files the instant motion seeking reduction in
sentence pursuant to 18 U.S.C. § 3582(C)(1)(A)(i)
Extraordinary and Compelling Circumstances.

Petitioner respectfully assert that the replied upon
factors stated in his Judiciary Notice and this motion,
meets and should satisfy the criterias of extraordinary
and compelling circumstances required for this
Honorable U.S. District Court to consider a reduction

in Warren sentence! that is consistent with 18 U.S.C. § 3553 (a) and Congressional intent enacted in their Sentencing Reform of the First Step Act of 2018 P.L. 115-391 § 503 (Dec. 21, 2018), and First Step Act of 2018, S. 3747 Cong.; Petitioner also rely on the deprivation of his substantial Constitutional right, his Due Process Clause, and the right of life and liberty.

Enclosed is a copy of inmate Warren request for a reduction in sentence (RIS) to the (F.B.O.P.), under B.O.P. Program Statement 5050.50.

(A) Extraordinary and Compelling Circumstances that Warrants a reduction in Warren sentence under 18 U.S.C. § 3582 (C)(1)(A)(i):

28 U.S.C. § 994 (a)(1) and section (b)(1) of 1994 of Title 28, states the Commission in the Guidelines promulgated pursuant to subsection (a)(1), shall for each category of offense involving each category of defendant, establish a sentencing range that is consistent with all pertinent provisions of Title 18 U.S.C. § 3553 (a)(2). Furthermore 28 U.S.C. § 994 (a)(2) states general policy statements regarding application of the guideline or any other aspect of sentencing or sentence implementation that in the view of the Commission would further the purposes set forth in section 3553 (a)(2) of Title 18 United States Code, including the appropriate use of -;

Factual record of this U.S. District Court misapplication of the United States Sentencing Guidelines:

Starting on page 11 of defendant Warren's sentencing on November 22, 1995 (See Transcript of proceedings before the Honorable Sterling Johnson Jr. U.S.D.J.) This Honorable U.S. District Court, sentence defendant Warren to consecutive sentences for Count 1, 4, and 5 in violation of the United States Sentencing Guideline (U.S.S.G.), see Chapter Three § 3B1.1 Aggravating Role. (see page 10 of the above transcripts). Chapter Two - Offense Conduct of the U.S.S.G., Part A - Offense Against the person (1) Homicide § 2A1.1 First Degree Murder (a) Base offense level 43: Is clear misapplication as to defendant Warren for the following reasons:

- (1) introductory commentary offense conduct of chapter Two U.S.S.G., states in part that Chapter Three Part B (Role in the offense) should be considered.
- (2) § 2A1.1 Statutory Provisions: 18 U.S.C. § 1959(a)(1) § 1959(a)(3) and § 1959(a)(4), are not included in the statutory provisions for First Degree Murder.

Furthermore application Note 1 Chapter Two Part A, of the U.S.S.G., states in part, If the defendant did not cause the death intentionally or knowingly, a downward departure may be warranted.

Petitioner Warren respectfully assert that U.S.S.G.

Chapter Three § 3B1.1 Aggravating Role, should have been applied in his sentencing on November 22, 1995. Petitioner also contends that the Court failed to consider 18 U.S.C. § 3553(a)(6) the need to avoid unwarranted sentence disparities.

To further support his claim of Extraordinary and Compelling Circumstances, petitioner/defendant rely on Congress intent in their Sentencing Reform of First Step Act of 2018, P.L. 132 Stat. at §221-22 §403(a) clarification of section 924(c) of Title 18 United States Code:

Numerous Courts have concluded that the Commission's failure to amend Guideline § 1B1.13 and related Commentary following the First Step Act does not preclude a Court from acting on motions for sentence reduction or using the catch-all-provision in Application Note 1(D). See *United States v. Brown*, No. 4:05-cr-00227-1, 2019 WL 4942051 (S.D. Iowa, Oct. 8, 2019) citing *United States v. Beck*, No. 1-13-Cr-186-6, WL 2716508, at 5 (M.D. N.C. June 28, 2019); *United States v. Cantu*, No. 1:05-cr-458-1, 2019 WL 2019 2498923 at 5 (S.D. Tex. June 17, 2019); *United States v. Fox*, No. WL 2:14-cr-03 DBH WL, 3046086, at 83 (D. Me. July 11, 2014); See also *United States v. Urkevich*, 803 CR 37 (D. Neb. Nov. 14, 2019) (Reducing the defendant's term of

incarceration under 18 U.S.C. § 3582(c)(1)(A)(i). The Court after consideration of all the factors set forth in 18 U.S.C. § 3553(a) especially 3553(a)(2)(A) found "extraordinary and Compelling reasons" for a reduction in the defendants sentence. The Court reduced the defendant's 300-month sentence on the second firearm count to 60 month, noting that the second firearm count today would carry only a 60 month sentence).

According to the First Step Act I have a Extraordinary and Compelling Circumstance under (FSA). The First Step Act clarifies that section 924(c) count can only be stacked if the second offense occurs after the final conviction on the first offense section 403(a) 132 statute at 5221-22. In count six and nine of my indictment it added 15 years a piece to both counts six and nine, which totalled 40 years for both counts. If I were sentenced today, a Court would add only 5 years to count six and nine for the 924(c) gun convictions.

Petitioner maintain that Congress intent is consistent with 18 U.S.C. § 3553(a) the Court shall impose a sentence sufficient, but not greater than necessary;

With respect to this Honorable U.S. District Court,

petitioner rely on 28 U.S.C. § 994(3)(B)(i) and § 994(f); § 994(f) states, the Commission in promulgating guidelines pursuant to section (a)(1), shall promote the purpose set forth in Section 991(b)(1), with particular attention to the requirement of subsection 991(b)(1)(B) for providing certainty and fairness in sentencing and reducing unwarranted disparities.

In further support of petitioner claims of misapplication of the U.S.S.G., and unwarranted sentencing disparities, petitioner respectfully request that the U.S. District Court consider the Court of Appeals for the Second Circuit holding in the below cases;

U.S. v. Pegg, 762 Fed Appx. 34, 2019 U.S. APP. LEXIS 4565 (Feb. 15, 2019 2nd Cir.), where the Court of Appeals has repeatedly applied plain error decisions, based on the incorrect application of the U.S.S.G.; See U.S. v. Parkins, (No. 18-1019) (2nd Cir. Aug. 19, 2019), States that any relevant sentencing factors that are inconsistent with the pertinent guidelines Policy Statements involve a greater deprivation of liberty than is reasonably needed to achieve the purpose of sentencing; and in U.S. v. Genao, 869 F.3d 914 (2nd Cir. 2017) (noting that the initial benchmark for criminal sentences). Genao, Supra

(quoting Gall v. U.S., 522 U.S. 38, 49, 128 S.Ct. 586 (2007)).

The United States Supreme Court in Rosales-Mireles v. U.S., 138 S.Ct. 1897, 1907-8, stated that an incorrect guideline range calculation is ordinarily a plain error that affects a defendant's substantial rights and seriously affects the fairness, integrity or public reputation of judicial proceedings. See also United States v. Boyland, 862 F.3d 279, 288 (2nd Cir. 2017).

Petitioner Warren rely on 28 U.S.C. § 994(t), for what this U.S. District Court should consider as extraordinary and compelling reasons for a sentence reduction. See 18 U.S.C. § 3582(c)(1)(A),

CERTIFICATE OF SERVICE

For all of the foregoing reasons, petitioner Warren prays that this Honorable Court grant him a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) given that extraordinary and compelling circumstances warrant such relief,

dated: October 19, 2020

Respectfully Submitted
Craig Warren

Craig Warren # 50239-053

U.S.P. Coleman # 2

Federal Correctional Complex

P.O. Box 1034

Coleman, FL 33521

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

Docket No. 94-CR-0802

-against-

: United States Courthouse
Brooklyn, New York

CRAIG WARREN,

Defendant.

: November 22, 1995
3:30 o'clock p.m.

- - - - - X

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE STERLING JOHNSON, JR.
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:

ZACHARY W. CARTER
United States Attorney
BY: MARGARET GIORDANO
Assistant United States Attorney
225 Cadman Plaza East
Brooklyn, New York 11201

For the Defendant:

BERNARD UDELL, ESQ.

Court Reporter:

Holly Driscoll
225 Cadman Plaza East
Brooklyn, New York
718-330-7687

Proceedings recorded by mechanical stenography, transcript
produced by CAT.

HOLLY DRISCOLL, RPR

OFFICIAL COURT REPORTER

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1 THE CLERK: United States of America versus Craig
2 Warren.

3 MS. GIORDANO: Margaret Giordano for the government.

4 MR. UDELL: Bernard Udell for the defendant.

5 THE COURT: I am in receipt of your letter dated
6 November 21, 1995, Mr. Udell, let the record so reflect. Have
7 you read and discussed the presentence report with your
8 client, Mr. Udell?

9 MR. UDELL: I have.

10 THE COURT: Are you ready for sentencing?

11 MR. UDELL: Yes, Your Honor, although I do recall
12 that --

13 THE COURT: You have an outstanding Rule 29 motion.

14 MR. UDELL: That's correct.

15 THE COURT: The motion is denied. Do you wish to be
16 heard?

17 MR. UDELL: Your Honor, as the letter I prepared sent
18 to this Court states, I am in this case asking that the Court
19 consider departing downward for the defendant Craig Warren
20 basically because the Court can, as the Court of Appeals in a
21 number of cases, Rivers and Brodson, as the guidelines state,
22 can depart downwards when the guidelines require a punishment
23 that overstates the defendant's position in a particular
24 crime.

25 This is a very unusual application to be making for

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1 Craig Warren as Your Honor having heard this case may think
2 this is an individual who the government, the Agents Norman
3 and Burke designated as the head of an organization. This is
4 the individual whose home was the place where various crimes
5 were prepared. This is an individual whose mother took in and
6 cared for Collis Mickens and Derek Boalds and all the rest of
7 these people and who committed a lot of serious crimes and for
8 which Your Honor will no doubt sentence him in a very serious
9 and heavy manner.

10 But there is one charge in this indictment proven no
11 doubt that causes Your Honor to sentence this defendant in a
12 manner which is so blatantly overstating his position that
13 Your Honor should not do it and that is Count One in this
14 indictment which relates to the murder of one Sidney Velasquez
15 because if Your Honor sentenced him according to, as the
16 guidelines require, Level 47 because technically under the
17 Federal Rules of 1111, Title 18, this was a homicide which was
18 committed in the course of a burglary and a robbery and it was
19 committed and that being the case it constitutes murder one
20 and the defendant according to what the jury has found
21 participated or planned the burglary or the robbery and,
22 therefore, he is as liable as those persons who committed the
23 homicide but when Sidney Velasquez was killed, cold bloodedly
24 murdered Craig Warren wasn't in the apartment. He may not
25 have been in the building. He did not order Sidney Velasquez

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1 to be killed. He did not suggest he be killed. He did not
2 tell these people to kill him. The killing did not even occur
3 in furtherance of the robbery in this case.

4 What occurred in this case was Collis Mickens decided
5 some time during the commission of this crime that Sidney
6 Velasquez was too belligerent, he was too troubling, he was
7 too bothersome. He didn't have the patience to deal with
8 Sidney Velasquez, he didn't.

9 Carlos Mickens and Derek Boalds did not kill Sidney
10 Velasquez for Craig Warren. They didn't kill him for the
11 Warren Organization. They didn't kill him for the robbery
12 that was being committed because they left soon after they
13 fired the shot. They killed him because they wanted to -- I'd
14 like to just quote, and Boalds and Mickens both testified at
15 length in this case and both Boalds and Mickens disagreed
16 about a lot of things, the whereabouts of Warren at the time
17 this occurred, what Warren said after he heard about it but
18 the one thing they were consistent about was what happened
19 inside the apartment and both Boalds and Mickens said the same
20 things.

21 Boalds says why Sidney Velasquez died, he says on
22 page 1007, so Collis said -- the guy kept fighting him so
23 Collis said I'm tired of this, I'm tired of this and he drew
24 his gun and he stuck it in his belly and he shot twice, he
25 fired twice. He didn't do that for Warren, Warren wasn't

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1 there, Warren didn't tell him to do that.

2 He did it because he is a psychopath, because that's
3 what he does and that wasn't the first time he did it. He did
4 it to a guy that we call Thomas James whose body was found on
5 the beach in Rockaway some three or four years before. He
6 never met Craig Warren.

7 He did this because he had a gun and he was faced
8 with a helpless person. The government has a right, the
9 government has a right to take these sociopaths and make them
10 bible thumpers with their 5k letters but it is not fair. Your
11 Honor can and Judge Glasser can reward Mickens for his
12 testimony and reward Boalds for his testimony but you
13 shouldn't make him pay for what they did and that's where this
14 statute goes far away and causes him to get life without
15 parole because Collis Mickens felt like killing somebody
16 because he was insulted, he didn't have the patience to deal
17 with a helpless man.

18 Boalds says the same thing after Mickens puts two
19 bullets into Sidney Velasquez who we know and we now know was
20 a person who couldn't go to the police, he was a gun dealer or
21 a drug dealer, he was on parole, he was an illegal alien. He
22 wasn't going to hurt these people. They had him. Now he's
23 got two bullets in him and he's down and what does Boalds do
24 again, same page, Boalds says to Mickens move out of the way,
25 move out of the way, I told him to move. I then told him to

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1 move out of the way and I drew my gun and I fired and from a
2 distance as far as I am from Mr. Augie here he fired 13 to 14
3 times into Sidney Velasquez.

4 He didn't do it for Craig Warren. He didn't do it
5 for the Warren Organization or the 15 Gunther Place or because
6 Craig was there telling him what to do. He didn't do it for
7 the robbery. He did it because he liked it. He did it
8 because he wanted to do it.

9 Your Honor did not hear about an incident involving
10 Derek Boalds before he ever knew Craig Warren. Derek Boalds
11 has a very unfortunate personal situation, the mother of his
12 children is half blind, she is blind in one eye. She lost a
13 game of Russian Roulette to Derek Boalds. This is the
14 individual who pumped 14 shots into Sidney Velasquez and this
15 is the individual who has got to pay for it with his life
16 because of 5k.

17 What I am saying, Your Honor, is Craig Warren was
18 convicted of a number of crimes, a number of robberies and
19 convicted of this homicide, he is convicted of the rape and he
20 certainly is not here asking for sympathy. He is not asking
21 for anything that he is not entitled to but this goes beyond
22 it, to punish him for them, to punish him for what they did
23 without his knowledge and Your Honor will recall even Mickens
24 said when he told that he saw Warren and Warren was outside,
25 said Mickens, and Warren didn't want to come in, Mickens says

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1 he was hesitant to come in. Then when they saw him on the
2 staircase then what happened, we had to shoot him and Warren
3 didn't even know any shots were even being fired. This wasn't
4 what was supposed to happen.

5 Technically this Court can rely on Section 1.1111 and
6 say yes, it was a robbery; yes, it was still in progress; yes,
7 the jury found that Warren participated, so we're going to
8 hold Warren but it is not fair. Maybe you have to do what you
9 have to do, you have to honor 5k and you have to give these
10 killers eight years or ten years for killing people because
11 the government put a clean shirt on them and has them testify
12 but you shouldn't make him pay for the rest of his life for
13 what they did, not have to do and for what he did not tell
14 them or authorize or knew they ever did and that's what's
15 going on here and I just ask Your Honor if you can, I know you
16 can, the Court of Appeals says you can, the guidelines say you
17 can and I know you can. I hope you will give him some
18 consideration here.

19 I believe a downward departure even in an area of a
20 Level 33 or 34 in his level and then with 60 months added
21 because of the 924(c) will allow Your Honor to give him a
22 significant sentence and a sentence that may fit the type of
23 crime that he should pay for but not, he should not pay for
24 what they did. The government is paying them enough. He
25 doesn't have to pay for it with his life and he shouldn't.

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1 That's it, Your Honor.

2 THE COURT: Does the defendant wish to be heard?

3 THE DEFENDANT: Yes. I guess like I told my lawyer
4 downstairs that I kind of feel bad for the Sidney Velasquez
5 family and the Mabel Carrerra family, I kind of feel sorry for
6 them but I don't feel no remorse for like for myself. I don't
7 feel no remorse for the simple fact that I got to pay for
8 something they did and I don't feel no remorse for them but I
9 do feel remorse for the family, I feel bad for any family that
10 gets killed in a murder anyway, any family but I have nothing
11 to do with it.

12 If I had anything to do with that from the beginning
13 I believe I would have been kind of weak minded like they was
14 and sat up there and cooperated with the government from the
15 beginning but I didn't know nothing about it.

16 THE COURT: All right. Does the government wish to
17 be heard?

18 MS. GIORDANO: Yes, Your Honor. The government is in
19 receipt of Mr. Udell's motion for downward departure. We
20 received this several moments before the sentencing today. In
21 any event, Mr. Udell spent a lot of time speaking about the
22 cooperators in this case and Mr. Warren has, you've just heard
23 has denied his conduct and spoke about how he feels sorry for
24 the families who were injured as a result of in his view the
25 conduct of the cooperators in this case and obviously not as a

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OFFICIAL COURT REPORTER

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1 result of any of his conduct in this case and I think that
2 shows Your Honor that Mr. Warren, there is nothing about
3 Mr. Warren that merits a downward departure in this case.

4 The government thinks that life is the only
5 appropriate sentence. Mr. Velasquez was killed as a result of
6 a robbery that Mr. Warren directed would take place. Mabel
7 Carrerra DeLeon was raped at the insistence of Craig Warren.
8 It was Craig Warren's idea to rape this woman who was five
9 months pregnant and he encouraged Derek Boalds to rape this
10 woman with him.

11 There is nothing about Craig Warren that merits a
12 downward departure in this case. The guidelines contemplate
13 felony murder and the guidelines deem that life is appropriate
14 for felony murder.

15 In addition, Your Honor, if the Court is considering
16 a downward departure with respect to Craig Warren the
17 government would like to be heard at a Fatico hearing on the
18 27 other robberies that Craig Warren initiated. In addition,
19 the government would like to be heard about another homicide
20 as well.

21 THE COURT: Well, I presided at this trial and I'm
22 familiar with the facts of this case and I've heard Mr. Udell
23 plead for a downward departure and I am aware I do have
24 discretion in these particular matters and I state for the
25 record that I am not going to exercise any discretion for a

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1 downward departure.

2 If anything, after having heard the case and if there
3 was a departure, there should be a departure upward. However,
4 the only departure upward would be the death penalty and this
5 is not a death penalty case, so I reject your motion for a
6 downward departure.

7 I see you, Mr. Warren, as a vicious callous uncaring
8 human being. You are one of the worst things that I have ever
9 seen and I've spent a great deal of my time in law
10 enforcement.

11 You are responsible for the terror that many people
12 in this community, in your community suffer because you and
13 people like you and your cohorts are going around killing
14 people and robbing people and raping people.

15 You talk about you feel sorry for the family of
16 Mr. Velasquez. Well, all well and good. You are responsible
17 for, even though you say you didn't do that, the shooters were
18 characterized as being psychopaths and sociopaths and I find
19 from the evidence and the testimony that I heard that you are
20 the leader of these sociopaths and these psychopaths and I
21 wonder what that makes you and they would not have been at
22 that scene doing what they did if it were not for you and just
23 as sure as they pulled the trigger, you also pulled the
24 trigger. You were the leader of this band of rogues and you
25 caused great distress.

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1 Now, the family of Mr. Velasquez and Ms. Carrerra are
2 going to have to live with what you did, the impact that you
3 had on their lives for the rest of their lives notwithstanding
4 how you feel, if you feel anything, because I think your acts
5 were senseless and just something that should be not even
6 recorded in human history.

7 I recall Ms. Carrerra when she testified and this
8 room was so quiet you could just hear the hum of the air
9 conditioning machines, how she told she was five months
10 pregnant and you and one of your cohorts decided to violate
11 her and how she cried because it hurt and I think that that's
12 disgusting, that Ms. Carrerra is someone's daughter, she is
13 someone's mother, she is someone's sister and you violated
14 her. You violated someone's mother, someone's daughter,
15 someone's sister. You're going to pay for that and I'm going
16 to see that you pay for that.

17 I am sentencing you -- you got convicted on ten
18 counts of a twelve count indictment. Count One of the
19 indictment charges you with murder in the aid of racketeering
20 and on that count I sentence you to the custody of the
21 attorney general or his duly authorized representative for the
22 rest of your natural life.

23 You were convicted on Count Two and Count Six and
24 Count Nine of possessing a firearm for the use in violent
25 crimes.

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OFFICIAL COURT REPORTER

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12

1 On Count Two I sentence you to five years to run
2 consecutive to your life term, if that's possible.

3 On Count Six I sentence you to twenty years to run
4 consecutive to Count Two and to Count One for a total of 25
5 years.

6 I sentence you on Count Nine to run consecutive to
7 Counts One, Two and Six for a total of 45 years to run
8 consecutive to your life sentence.

9 On Count Four, the rape charge, the violation of
10 Ms. Carrerra, the maximum amount of time that you can serve
11 there is twenty years and I sentence you to the twenty years
12 to run consecutive to Counts One, Two, Six and Nine.

13 Count Five you were convicted of threatening to
14 murder I think it was Ms. Carrerra, that's a five year
15 maximum. I sentence you to five years on Count Five to run
16 consecutive with One Two, Six, Nine and Four.

17 Seven, you were convicted of conspiracy to rob the
18 Bodling Company. There is a twenty year maximum. I sentence
19 you to twenty years to run consecutive to Counts One, Two,
20 Six, Nine, Four and Five.

21 Eight is attempted robbery of the Bodling Company, it
22 is a twenty year maximum. I sentence you to twenty years to
23 run consecutive to with One, Two, Six, Nine, Four, Five, Seve
24 and Eight.

25 Count Ten is a conspiracy to rob C-Town, it is a

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OFFICIAL COURT REPORTER

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1 twenty year maximum. I sentence you to twenty years to run
2 consecutive with One, Two, Six, Nine, Four, Five, Seven,
3 Eight.

4 Count Eleven is the robbery of the C-Town Store with
5 a twenty year maximum and I sentence you to twenty years to
6 run consecutive with Ten, Eight, Seven, Five, Four, Two, Six,
7 Nine and One.

8 I sentence you to a \$50 special assessment on each
9 count that you're convicted which is ten counts for a total of
10 \$500 and I sentence you after you have finished all of your
11 time to five years supervised release.

12 You have a right to appeal this sentence. You have a
13 right to appeal this conviction.

14 Anything else, Augie?

15 THE CLERK: You didn't do Four, Judge.

16 THE COURT: I did Four.

17 THE CLERK: I think you stopped at Four.

18 MS. GIORDANO: I have Four.

19 THE COURT: Four is the rape, twenty years to run
20 consecutive with One, Two, Six, Nine.

21 Anything else? You have a right to appeal as I said
22 before.

23 MS. GIORDANO: Nothing further, Your Honor.

24 THE COURT: Okay.

25 (End of proceedings.)

HOLLY DRISCOLL, RPR

OFFICIAL COURT REPORTER

P. 22



Individualized Reentry Plan - Program Review (Inmate Copy)

SEQUENCE: 00587251

Dept. of Justice / Federal Bureau of Prisons

Team Date: 05-07-2020

Plan is for inmate: WARREN, CRAIG 50239-053

Facility: CLP COLEMAN II USP Proj. Rel. Date: UNKNOWN
 Name: WARREN, CRAIG Proj. Rel. Mthd: LIFE
 Register No.: 50239-053 DNA Status: CAA02447 / 05-25-2011
 Age: 52
 Date of Birth: 06-11-1967

Detainers

Detaining Agency	Remarks
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NO DETAINER

Current Work Assignments

Fac	Assignment	Description	Start
CLP	PM COOK	PM COOK	12-09-2018

Current Education Information

Fac	Assignment	Description	Start
CLP	ESL HAS	ENGLISH PROFICIENT	01-30-1996
CLP	GED EARNED	GED EARNED IN BOP	10-17-2013

Education Courses

SubFac	Action	Description	Start	Stop
CLP	C	MICROSOFT OFFICE 2010	01-21-2020	02-24-2020
CLP	C	VT CUSTODIAL MAINTENANCE AM	05-02-2018	07-18-2018
YAP	C	DISEASE 1	10-20-2016	10-20-2016
CLP	C	MAVIS BEACON TYPING	10-28-2015	04-05-2016
CLP	C	ACE THINK AND GROW RICH CLASS	05-12-2015	12-09-2015
CLP	C	SPORTS RULES	05-03-2014	07-23-2014
LEW	C	GED CLASS MON - FRI MORNINGS	07-02-2013	10-17-2013
LEW	W	GED CLASS MON - FRI AFTERNOONS	03-23-2012	07-02-2013
CAA	W	PRE GED 105 9:30-11:30 AM	11-05-2010	03-21-2012
CAA	C	DEVELOP SKILLS FOR A BUSINESS.	07-16-2011	09-14-2011
CAA	C	BASIC INTRO TO ACCOUNTING.	07-06-2011	09-03-2011
CAA	C	INTRO TO WORLD OF BUSINESS.	04-04-2011	06-14-2011
CAA	C	CDL PREPARATION CLASS.	04-04-2011	06-09-2011
CAA	C	ACCOUNTING FOR A SMALL BUSINES	05-09-2011	06-07-2011
CAA	C	RPP6 COMMUNICATION 101	05-03-2011	05-03-2011
CAA	C	CONVERSATIONAL SPANISH CLASS	07-29-2009	09-30-2009
CAA	C	INTRO TO HOME IMPROVEMENT.	07-29-2009	09-30-2009
CAA	C	INTRODUCTORY PLUMBING CLASS.	04-02-2009	06-29-2009
CAA	C	MATH COLLEGE PREP CLASS	04-02-2009	06-26-2009
CAA	C	FUNDAMENTALS OF REAL ESTATE.	05-19-2009	06-26-2009
CAA	C	CONVERSATIONAL SPANISH CLASS	04-02-2009	06-26-2009
CAA	C	INTRO TO WORKING WITH CONCRETE	05-22-2009	06-25-2009
CAA	W	PRE GED 105 9:30-11:30 AM	11-14-2008	11-25-2008
LEW	W	GED CLASS M-F 12:15-2:00	04-07-2008	11-04-2008
LEW	W	ADVANCED GED	07-13-2007	04-07-2008
LEW	W	PRE-GED CLASS M-F 730-9AM.	04-20-2006	07-13-2007
LEW	C	RPP-AIDS AWARENESS	08-01-2006	09-05-2006
LEE	C	RPP6 PSYCH SELF STUDY	01-03-2006	01-10-2006
LEE	C	RPP6 PSYCH SELF STUDY	11-29-2005	12-27-2005
LEE	C	FUNDAMENTAL PARA LEGAL STUDIES	06-08-2003	08-10-2003
LVN	W	GED 1300-1500 J CRUM	08-20-2001	04-01-2002
LVN	W	2:00-3:00 GED CLASS-CRUM	10-20-1997	03-16-1998
LVN	W	GED UNICOR 9:30-10:30 CRUM	02-22-1996	10-20-1997

Discipline History (Last 6 months)

Hearing Date	Prohibited Acts
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** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **

**Individualized Reentry Plan - Program Review (Inmate Copy)**

SEQUENCE: 00587251

Dept. of Justice / Federal Bureau of Prisons

Team Date: 05-07-2020

Plan is for inmate: WARREN, CRAIG 50239-053

Current Care Assignments

Assignment	Description	Start
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	01-08-2005
CARE1-MH	CARE1-MENTAL HEALTH	10-08-2010

Current Medical Duty Status Assignments

Assignment	Description	Start
NO PAPER	NO PAPER MEDICAL RECORD	08-02-2016
REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	08-04-2016
YES F/S	CLEARED FOR FOOD SERVICE	04-25-2017

Current Drug Assignments

Assignment	Description	Start
DRG I NONE	NO DRUG INTERVIEW REQUIRED	02-16-1996

FRP Details**Most Recent Payment Plan**FRP Assignment: **COMPLT** **FINANC RESP-COMPLETED** Start: **08-08-1997**Inmate Decision: **AGREED** **50%** Frequency: **MONTHLY**Payments past 6 months: **\$0.00** Obligation Balance: **\$0.00****Financial Obligations**

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$500.00	\$0.00	IMMEDIATE	COMPLETEDZ

**** NO ADJUSTMENTS MADE IN LAST 6 MONTHS ******Payment Details**

Trust Fund Deposits - Past 6 months: \$ N/A

Payments commensurate ? N/A

New Payment Plan:

**** No data ******Progress since last review**

Inmate Warren is assigned PM Cook and completed his FRP obligation. He is not enrolled in any programs at this time, but completed Microsoft Office Class in 02/2020. He has had \$2,223.15 in the last 6 months and has a balance of \$431.56.

Next Program Review Goals

Save at least \$50 monthly. Enroll in educational courses of choice.

Long Term Goals

Complete Celebrate Recovery and Threshold program by 12/2021. Save at least \$600 yearly.

RRC/HC Placement**Comments****** No notes entered ****

CLPCR 606.00 * MALE CUSTODY CLASSIFICATION FORM * 12-12-2019
PAGE 001 OF 001 13:22:00

(A) IDENTIFYING DATA

REG NO.: 50239-053 FORM DATE: 04-29-2019 ORG: CLP
NAME: WARREN, CRAIG

MGTV: NONE

PUB SFTY: GRT SVRTY, SEX OFFN, SENT LGTH MVED:

(B) BASE SCORING

DETAINER: (0) NONE SEVERITY: (7) GREATEST
MOS REL.: 540 CRIM HIST SCORE: (02) 3 POINTS
ESCAPES.: (0) NONE VIOLENCE: (5) < 5 YRS MINOR
VOL SURR: (0) N/A AGE CATEGORY: (2) 36 THROUGH 54
EDUC LEV: (0) VERFD HS DEGREE/GED DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED: (3) 0-25% PROG PARTICIPAT: (1) AVERAGE
LIVING SKILLS: (1) AVERAGE TYPE DISCIP RPT: (5) NONE
FREQ DISCIP RPT.: (3) NONE FAMILY/COMMUN.: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST	VARIANCE	SEC TOTAL	SCORED LEV	MGMT	SEC LEVEL	CUSTODY	CONSIDER
+16	+17	0	+16	HIGH	N/A	IN	SAME

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED



U. S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Complex

United States Penitentiary 2
846 N.E. 54th Terrace
Coleman, Florida 33521

March 9, 2020

RESPONSE TO INMATE REQUEST TO STAFF MEMBER,

SUBJECT: Compassionate Release/Reduction In Sentence (RIS)

RE: Warren, Craig
Register No: 50239-053

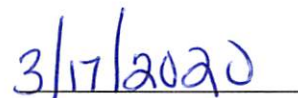
This is in response to your Inmate Request to Staff Member, in which you request consideration for a Compassionate Release/Reduction in Sentence under Extraordinary and Compelling Circumstances.

A thorough review of your request was completed utilizing Program Statement 5050.50, Compassionate Release/Reduction in Sentence, Procedures for Implementation of 18 U.S.C. §§ 3582(c) (1) (A) and 4205(g), requests for a Compassionate Release/Reduction. Based on the information you have submitted: You have not demonstrated extraordinary or compelling circumstances which would warrant a reduction in sentence under BOP guidelines. To the extent you believe your sentence should be reduced pursuant to the sentence reform provisions of the First Step Act of 2018, you may raise those concerns directly with your sentencing court. The Federal Bureau of Prisons has no authority to reduce a sentence pursuant to those provisions or based on sentence length.

After careful review of this information, consideration for Compassionate Release/RIS is denied. In compliance with Bureau of Prisons' Program Statement 5050.50, titled Compassionate Release/Reduction in Sentence, you may appeal this denial through the Administrative Remedy Program if you are unsatisfied with this response.

I trust this information adequately addresses your concerns.


C. Swain, Warden


Date

Clarification on Reduction in Sentence (RIS) Requests

(Extraordinary and Compelling Circumstances under FSA)

Inmates are encouraged to review Program Statement 5050.50 to ensure requests are appropriate. Requests for a Reduction in Sentence will be denied at the institutional level should the request fail to demonstrate extraordinary or compelling circumstances which would warrant a reduction in sentence under **BOP guidelines**.

To the extent an inmate believes their sentence should be reduced pursuant to the sentence reform provisions of the First Step Act of 2018, they may raise those concerns directly with their sentencing court.

The Federal Bureau of Prisons has **no authority** to reduce a sentence pursuant to those provisions or based on sentence length.

TRULINCS 50239053 - WARREN, CRAIG - Unit: CLP-L-A

FROM: 50239053

TO: Warden PEN 2

SUBJECT: ***Request to Staff*** WARREN, CRAIG, Reg# 50239053, CLP-L-A

DATE: 02/28/2020 07:05:48 PM

To: Warden

Inmate Work Assignment: Food Service

Dear, Warden

According to the First Step Act I have a Extraordinary and Compelling Circumstance under FSA. The First Step Act clarifies that section 924(c) counts can only be stacked if the second offense occurs after the final conviction on the first offense section 403(a) 132 Statute at 5221-22. In counts six and nine of my indictment it added 15 years apiece to both counts six and nine, which totalled 40 years for both counts. If I were sentenced today, a court would add only 5 years to count six and nine, instead of 15 years for both counts six and nine for the 924(c) gun convictions.

Therefore, I respectfully request for a reduction of sentence under FSA under Extraordinary and Compelling Circumstances.

Thank You

Craig Warren!

TRULINCS 50239053 - WARREN, CRAIG - Unit: CLP-L-A

FROM: Warden PEN 2
TO: 50239053
SUBJECT: RE:***Inmate to Staff Message***
DATE: 03/03/2020 08:52:02 AM

Mr. Warren

Your request has been sent to the appropriate department for review. You should receive a response soon.

Thank you.

>>> ~^!"WARREN, ~^!CRAIG" <50239053@inmatemessage.com> 2/28/2020 8:05 PM >>>

To: Warden

Inmate Work Assignment: Food Service

Dear, Warden

According to the First Step Act I have a Extraordinary and Compelling Circumstance under FSA. The First Step Act clarifies that section 924(c) counts can only be stacked if the second offense occurs after the final conviction on the first offense section 403(a) 132 Statute at 5221-22. In counts six and nine of my indictment it added 15 years apiece to both counts six and nine, which totalled 40 years for both counts. If I were sentenced today, a court would add only 5 years to count six and nine, instead of 15 years for both counts six and nine for the 924(c) gun convictions.

Therefore, I respectfully request for a reduction of sentence under FSA under Extraordinary and Compelling Circumstances.

Thank You

Craig Warren!

From: ^!"WARREN, ^!CRAIG" <50239053@inmatemessage.com>
To:
Date: 2/28/2020 7:21 PM
Subject: ***Request to Staff*** WARREN, CRAIG, Reg# 50239053, CLP-L-A

To: Warden
Inmate Work Assignment: Food Service

ATTENTION

Please cut and paste the message indicator below into the subject line; only this indicator can be in the subject line.

b8954c95-d753-4985-9364-9f23379e304e

Your response must come from the departmental mail box. Responses from personal mailboxes WILL NOT be delivered to the inmate.

Inmate Message Below

Dear, Warden

According to the First Step Act I have a Extraordinary and Compelling Circumstance under FSA. The First Step Act clarifies that section 924(c) counts can only be stacked if the second offense occurs after the final conviction on the first offense section 403(a) 132 Statute at 5221-22. In counts six and nine of my indictment it added 15 years apiece to both counts six and nine, which totalled 40 years for both counts. If I were sentenced today, a court would add only 5 years to count six and nine, instead of 15 years for both counts six and nine for the 924(c) gun convictions.

Therefore, I respectfully request for a reduction of sentence under FSA under Extraordinary and Compelling Circumstances.

Thank You

Craig Warren!



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Craig Warren Unit J-4 203
U.S.P. Coleman #2
Federal Correctional Complex
P.O. Box 1034
Coleman, FL 33521
ID# 50239-053

TO: Clerk of Court

U.S. District Court

For The Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201